

**ENSIGN-BICKFORD MAPLETON GROUNDWATER  
CLEANUP PROJECT  
ADDENDUM TO STIPULATION AND CONSENT ORDER  
AND  
NATURAL RESOURCE DAMAGE CONSENT AGREEMENT**

**COMMENT RESPONSE SUMMARY  
II. RESPONSE TO TRANSCRIBED COMMENTS  
DECEMBER 2006**

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Public comments during an Open House held on Thursday,  
September 2, 2004, from 4:00 p.m. to 8:00 p.m. at the  
Memorial Building, 80 East Maple Street, Mapleton, Utah,  
on the Corrective Action Plan.

PRESIDING:  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIANNE R. NIELSON, Ph.D.  
168 North 1950 West  
Salt Lake City, UT 84116

1

2 Mapleton, Utah, September 2, 2004, 4:00 p.m.

3 DIANNE NIELSON: This is an opportunity for the  
4 public to provide comment on the State of Utah  
5 Department of Environmental Quality and Natural  
6 Resources damage trustee's proposal with Ensign-Bickford  
7 to clean up groundwater contamination in the Mapleton,  
8 Utah, area. There are two proposed agreements which  
9 total approximately 12 million dollars in funds, which  
10 have been negotiated by the State of Utah and the  
11 Ensign-Bickford Company to conduct clean up and to  
12 settle the state's claim for damages to groundwater  
13 resulting from activities at the Trojan facility, which  
14 is located in Spanish Fork, Utah.

15 The agreements are now before the public for their  
16 consideration. A 45-day public comment period has been  
17 set beginning on August 11th and continuing through  
18 September 24th of 2004. At the conclusion of this  
19 comment period, the agreements will either be finalized  
20 as presented or modified based on public feedback.

21 The documents are available for the proposed  
22 agreement, the corrective action plan and related  
23 documents are on line at the DEQ website at  
24 [www.deq.utah.gov/issues/EBCo](http://www.deq.utah.gov/issues/EBCo). Hard copies of the  
25 documents are also available for review during regular

1 business hours, Monday through Friday, at the Mapleton  
2 City offices at 35 East Maple Street and the contact  
3 there is Debbie Walser at 801-489-5657, and the  
4 documents are available at the Utah Division of Water  
5 Quality, Department of Environmental Quality, 228 North  
6 1460 West in Salt Lake City and there the contact is  
7 Keith Eagan and that number is 801-538-6014.

8 Public comments can be provided to the trustee via  
9 E-mail at [nrdtrustee@utah.gov](mailto:nrdtrustee@utah.gov) or by fax at 801-536-0061  
10 or by mail at the Utah Department of Environmental  
11 Quality, NRD Trustee, P.O. Box 144810, Salt Lake City,  
12 Utah 84114-4810.

13 Public comment is being taken at this time at an  
14 open house that is being held on Thursday, September  
15 2nd, 2004, at the Memorial Building, 80 East Maple  
16 Street in Mapleton, Utah.

17 My name is Dianne Nielson. I am the trustee for  
18 natural resources for the State of Utah. I'm also the  
19 director of the Utah Department of Environmental  
20 Quality. I will be presiding at this public comment  
21 period this evening and joining me at times will be Walt  
22 Baker, who is the acting director of the Division of  
23 Water Quality for the Department of Environmental  
24 Quality.

25 Comments that are provided this evening on the

1 record today will be transcribed by a court reporter who  
2 is with us, Donna Ward from Intermountain Court  
3 Reporters, Murray, Utah. All of the comments that are  
4 provided on the record today will become part of the  
5 comments for this public comment period and the trustee  
6 will provide responses to comments and questions as part  
7 of the record of the public hearing. This comment  
8 response summary will be available at the time that the  
9 trustee makes her decision regarding the proposal.

10 --oo0oo--

11 ROBERT AVERETT: I'm Robert Averett. I live in  
12 Springville and I was born there. I've lived all my  
13 life in Utah and turned down a lot of good jobs to stay  
14 here. We're proud of our kids. We have six kids. But  
15 I think the thing that's always impressive to me is  
16 people who try to resolve any concerns honorably and  
17 forthright. We depend greatly on the state agencies and  
18 the local agencies, the state and the federal, all of  
19 those things, and those are part of our country. We try  
20 to obey the laws. I know the laws have changed since  
21 that plant was first built, as the owners have changed  
22 with it, and the way of doing business is different  
23 too.

24 There's been a lot of people lose their lives up  
25 there, and that's always very tragic when harm or

*Comment noted.*

1 accident comes to anybody, neighbors or anybody else,  
2 and you do what you can, but that's about as far as I  
3 dare take it. I don't profess to be anything that I'm  
4 not, so I'll just do the best I can with what I got.  
5 Now you can ask me any questions you want.  
6 DIANNE NIELSON: Well, I like to encourage you to  
7 take a look at the displays we have.  
8 ROBERT AVERETT: I will, that's really what I came  
9 here for.  
10 DIANNE NIELSON: And if you want to ask questions or  
11 want to provide further comments to us, there's an  
12 information sheet.  
13 ROBERT AVERETT: Well, they run the business. I  
14 don't try to interfere with it. It's their business.  
15 DIANNE NIELSON: Thank you for coming.  
16 --oo0oo--  
17 WAYNE CHILDS: My name is M. Wayne Childs. Do you  
18 want an address? I can give you an address.  
19 DIANNE NIELSON: Not particularly, unless you want  
20 to.  
21 WAYNE CHILDS: After reviewing things that have been  
22 sent to us by the city and in the mail and after  
23 reviewing this plan for cleaning the aquifer, we find it  
24 an acceptable approach. We're grateful there is a trust  
25 that will offer some additional protection over the

*Comment noted.*

1 years. Seems like a reasonable plan. I don't have any  
2 additional comments.

3 DIANNE NIELSON: Thank you

4 --oo0oo--

5 GARY BOOTH: My name is Dr. Gary M. Booth and I'm  
6 representing Environmental Lab, Inc., and I'm also a  
7 member of the Department of Integrative Biology at  
8 Brigham Young University for the past 32 years and I am  
9 the major shareholder and co-owner of 53 acres of Farm  
10 527, Tract 1078, a property in Mapleton adjacent to the  
11 Joyner property and Whiting property.

12 Let me first identify myself. I've spent the last  
13 32 years studying the movement, bioaccumulation and  
14 metabolism of xenobiotics; that is, foreign chemicals  
15 accidentally or intentionally placed in the environment,  
16 in organisms ranging from bacteria to cattle. In  
17 addition, I'm particularly interested in looking at the  
18 behavior of these compounds when they move through the  
19 ecosystem, especially in aquatic ecosystems.

20 For the record, I have testified at the Senate  
21 Subcommittee of Human Resources in Washington on  
22 critical contamination issues, at the DDT hearings in  
23 Washington, at the Science Advisory Panel meetings in  
24 Washington on key contamination issues and have served  
25 and I am a current consultant to the EPA and private

1 industry, which has been over the last 32 years, so I  
2 established this as a point of record so that it is  
3 clear that I have a long-standing interest and career  
4 that has been focused on environmental toxicology.

5 Contamination of our well is at the heart of what I  
6 do for a living. In addition, this well water  
7 contamination issue has put a major halt to our research  
8 program at our property. In fact, without being too  
9 bold, I would say that our property is the only one used  
10 out there for research purposes.

11 In addition, this well water contamination issue has  
12 put not only a major halt to the work we do, but plans  
13 for future work, and thus we, as I am president of  
14 Environmental Labs, Inc., have also put a halt to my  
15 research work. We cannot complete our work on upland  
16 game birds, small mammals, large mammals without the aid  
17 of clean water. In fact, our research work is  
18 absolutely stopped with no chances, at least at this  
19 point in time, of beginning studies in the near future.

20 Even my colleagues at the Department of  
21 Environmental Quality has recommended that we do not  
22 grow crops for human consumption especially in light of  
23 the fact that RDX particularly has a tendency to  
24 translocate from water and soil to primary consumers  
25 that include a variety of herbivores and omnivores.

*It is the understanding of the Trustee that representatives of the Ensign-Bickford Company met with Dr. Booth to attempt to resolve the issues regarding his well. See also Response to Common Comment No. 2.*

1 Thus this water contamination water problem impacts  
2 everything we do on the property. In addition to this,  
3 we are also manifested by the green belt edict that we  
4 keep animals on the property to maintain our green belt  
5 status. Obviously this is also coming to a halt. The  
6 fines are upwards to \$30,000 a year if we don't maintain  
7 animals on the property.

8 Our property sits on the west side of the Joyner  
9 property and represents approximately 53 pristine acres  
10 and has a large well that serves the entire acreage. I  
11 would make the following points in addition to those  
12 above for the record:

13 No. 1. Our well is not listed on the document sent  
14 to me regarding the five wells that pull water from the  
15 area. I understand that it's been omitted for a reason,  
16 but please consider putting it for the record on the  
17 list. I make that point because it is a research driven  
18 piece of property and the only one in the area.

19 Point No. 2. The concentration of RDX detected in  
20 our well in the first quarter of 2004 was 30.1  
21 micrograms per liter. This is 15.1 times the EPA limit  
22 of two micrograms per liter. Even in the second quarter  
23 it only dropped down to 28.4 micrograms per liter. If  
24 you do the regression analysis on this kind of data and  
25 take it back as far as when they began to sample it, it

*The well referenced in Point #1 is not included with the 5 pumping wells listed in the Corrective Action Plan, because the wells listed are those currently pumping and treating contaminated ground water.*

*Information regarding the RDX concentrations is noted. It is the understanding of the Trustee that representatives of the Ensign-Bickford Company met with Dr. Booth to attempt to resolve the problem regarding contamination.*



1 is clear that this water is unacceptable for  
2 environmental toxicology work to feed both upland game  
3 animals as well as small and large mammals. Thus, this  
4 makes the well completely unusable and is especially  
5 discouraging since I just spent \$2,000 to get the pump  
6 up and ready for a new research project, which obviously  
7 is not going to begin.

8 Point 3. The recommended clean up dollar amounts do  
9 not go far enough since the strategy is prorated over a  
10 20-year period. Yes, those in the future will benefit,  
11 including us; however, this does not help the local  
12 landowners, especially those of us who are involved in  
13 research who need to get this water coming from our  
14 pump, have it accessible and usable immediately.

15 Point 4. Because the well water is so contaminated  
16 and because the long-term consequences of animals, both  
17 birds and mammals, eating and drinking these amounts is  
18 unknown, our research work has been drawn to a halt. We  
19 in Environmental Labs, Inc., are losing thousands of  
20 dollars every year because the water simply cannot be  
21 used. The risk is too great. We dare not draw on this  
22 resource.

23 Point 5. Based on point No. 4, I would propose a  
24 bold plan that EBCo, and perhaps other stakeholders,  
25 finance our laboratory with a well defined research

*Regarding Point #3, see Response to  
Common Comment No. 3.*

*Point #4, comment noted.*

*Point #5, Comment noted. See  
Response to Common Comment No.  
2. It is the understanding of the  
Trustee that representatives of the  
Ensign-Bickford Company met with  
Dr. Booth to attempt to resolve the  
issues regarding his well.*

1 study to help us determine the real impact of real data  
2 of real numbers from contaminated water on small and  
3 large mammals and also upland game birds. The objective  
4 would be to determine uptake metabolism distribution and  
5 excretion, particularly of RDX but also HMX, at doses  
6 found currently in the wells. These studies, based on  
7 our other research work, would take from \$100,000 to  
8 \$250,000 to complete and would definitively answer the  
9 question of the chronic impact of these compounds on  
10 animals in the food chain. Basically this data is  
11 largely unknown from the peer review literature. We  
12 prefer this path rather than enter the long process of  
13 litigation. Hardly anyone wins under that kind of a  
14 program. However, everyone would benefit from such  
15 empirically derived data and surely would add to the  
16 credibility and confidence people would have in EBCo who  
17 would be contributing enormously to our understanding of  
18 behavior of these compounds when consumed by the said  
19 animals.

20 Point 6. I would also strongly recommend that EBCo  
21 and/or their stakeholders finance the acquisition of an  
22 industrial filter on our pump that would allow us to use  
23 the water for future research work so we do not have to  
24 wait for the predictable 20 years to use the water.  
25 Clearly this would be an effort for us to not only be

*Point #6, see Response to Common  
Comment No. 2.*

1 able to use clean water, but we'd be able to collect the  
2 data -- well, let me back up. We would clearly be able  
3 to design the studies, collect the data and be able to  
4 analyze it and report it as real science. These filters  
5 range in price from \$80,000 to \$100,000 and would show a  
6 good faith effort on the part of EBCo to fight this  
7 battle in the name of good science to help the local  
8 landowners, especially those who have research interest,  
9 to stay in business.

10 Point 7. We would like to work closely with the  
11 natural research folks with the Department of  
12 Environmental Quality and all others in collecting data  
13 that could be used for publication in the peer review  
14 literature. I fully intend to publish everything that I  
15 collect on the land and I hope everyone will cooperate.

16 Point 8. One thing is sadly missing. I would  
17 recommend an open forum discussion in the very near  
18 future with our laboratory, the Department of  
19 Environmental Quality, the Department of Wildlife and  
20 National Resources, EBCo and other stakeholders in this  
21 issue could discuss the needs of the local landowners.  
22 A 20-year master plan is not very helpful. The public  
23 comment period, quite frankly, is not enough. We, and  
24 when I say we, all of us, need to sit in a room together  
25 knee to knee, eye to eye and dialogue about what options

*Point #7, the interest and involvement is welcomed.*

*Point #8, the Trustee and Executive Secretary of the Board of Water Quality are working closely with Mapleton officials to provide information, answer questions, and discuss recommendations as the cleanup proceeds. We welcome the opportunity to work with stakeholders. While the State cannot resolve third party claims (see Response to Common Comment No. 2), we can provide a forum for discussing issues of concern to stakeholders.*

1 the individual stakeholders have. Surely this could  
2 benefit everybody. The sooner, the better.

3 Point No. 9. Finally it seems to us to be important  
4 to have a master plan that includes the private  
5 landowners, not eliminate them. I understand that you  
6 can't include everyone, but certainly we need to talk  
7 about it. The current plan is fair to good, but simply  
8 is too little, too late. It must include the private  
9 landowners rather than simply state and I quote: "The  
10 individual landowner must decide if the risk is  
11 personally acceptable." How can we expect the  
12 landowners to make that kind of decision without good  
13 empirically derived data that is easily understood by  
14 the layman? In other words, what can be done in the  
15 near future to help offset the losses of the private  
16 landowners, particularly those who are interested in  
17 continuing the research process so we can collect data  
18 that will help everyone know that their environment is  
19 safer for the future? Let's begin the dialogue now, and  
20 I've signed it Gary M. Booth, Ph.D., environmental Labs,  
21 Inc., Department of Integrative Biology, co-owner of 53  
22 acres in Mapleton, Utah.

23 I hope that's useful.

24 DIANNE NIELSON: Thank you.

25 --oo0oo--

*Point #9, regarding the claims of third parties, including land owners, see Response to Common Comment No. 2. Regarding the willingness to work with stakeholders, including land owners, see response to Point #8 above.*

1 DOUGLAS THAYER: Dianne, on behalf of the City of  
2 Mapleton, the Mayor has asked me to submit this response  
3 to the proposed settlement agreement between the State  
4 of Utah and Ensign-Bickford.

5 The city believes that the proposed agreement falls  
6 woefully short in restoring the Mapleton aquifer to the  
7 condition it was in prior to EBCo's contamination of the  
8 aquifer; it falls woefully short in protecting the  
9 citizens of Mapleton, who also happen to be citizens of  
10 the State of Utah; it falls woefully short with regard  
11 to imposing a reasonable penalty against EBCo to defer  
12 further contamination in the future; and it falls  
13 woefully short in that plan as presently set forth in  
14 the Corrective Action Plan appears to contribute to  
15 drawing the contaminated plume northward toward Mapleton  
16 Well No. 1.

17 I'd like to address each of these one at a time:

18 First, the proposed agreement with EBCo does not  
19 require EBCo to restore the aquifer to the condition it  
20 was in before EBCo contaminated the aquifer. The  
21 agreement only requires that EBCo's treatment of the  
22 water bring pollution levels down to an arbitrary  
23 standard of some number of micrograms per liter. Very  
24 little is known about some of the contaminants in  
25 Mapleton's aquifer and it is essentially guess work as

*Point #1, see Response to Common  
Comment No. 4.*

1 to how much of a contaminant over time will have an  
2 adverse effect on the health of the citizens of  
3 Mapleton.

4 The State of Utah should, and could, require EBCo to  
5 establish testing methodologies that can bring the  
6 pollution levels down to a micrograms per liter amount  
7 that is as low as it is currently possible to detect.  
8 EBCo would probably say that such a requirement is too  
9 costly. We ask what about the unknown risks that each  
10 Mapleton citizen is taking as a result of any of EBCo's  
11 contaminants remaining in its drinking water? Why  
12 should Mapleton's citizens take the health risk, instead  
13 of EBCo paying the bill to clean it, whatever the cost?

14 Second, the breakdown products are RDX, HMX, TNT,  
15 etc., can be significantly more toxic than the original  
16 chemicals. Attached to our response is a list of some  
17 of the breakdown products for RDX, HMX and TNT, and  
18 they're just here as an addendum. There are a number of  
19 pages that put all of those compounds.

20 The question Mapleton has: Has the state required  
21 EBCo to test for any of these breakdown contaminants?  
22 If so, which ones? If not, why not? Again, EBCo will  
23 say its too costly. Why isn't the state saying: The  
24 risk of loss of life to Mapleton's citizens is simply  
25 too costly to not do those tests.

*Point #2, see Response to Common  
Comment No. 12.*

1       The state's handout for this open house states that  
2       a study was conducted in the late 1990s on the  
3       theoretical breakdown products of RDX and none was  
4       detected. Who did the test? Where are the results?  
5       Why not do it for the other contaminants? The state  
6       continues in its handout that "nevertheless, the current  
7       treatment facilities have the ability to remove  
8       breakdown products." Specifically, the city would like  
9       to know what breakdown products are being referred to.  
10      And while it is possible that there are no breakdown  
11      products in the aquifer, no one simply knows for sure  
12      because no test has been done of any significance.

13      To the best of the city's knowledge, the state has  
14      not required EBCo to develop testing methodologies  
15      and/or used already existing methodologies to test for  
16      breakdown products and EBCo has most likely not  
17      volunteered to do so. Again, EBCo's response would  
18      probably be that it is simply too costly. Again,  
19      Mapleton's question is: Why should Mapleton's citizens  
20      take the risk of bad health or even death when they did  
21      absolutely nothing to contaminate the aquifer?

22      This agreement should be about holding responsible  
23      parties responsible.

24      Third, the state may actually be contributing to the  
25      migration of the contamination plume by allowing this

*Point #3, see Response to Common  
Comment No. 11.*

1 agreement to be signed as is. The city has recently  
2 discovered a May 23rd, 1997, groundwater modeling report  
3 created by Environmental Resource Management, also known  
4 as ERM. ERM is an environmental consulting firm used by  
5 the EBCo group to do groundwater modeling of the  
6 underground contaminants in the Mapleton aquifer.

7 At Page 15 of that report, which I've attached to my  
8 written statement, it states, and I'll quote: "It is not  
9 necessary to operate the Mapleton Well No. 1 for the  
10 purpose of intercepting and preventing the nitrate/RDX  
11 plume from migrating further north. On the contrary,  
12 continuous operation of Mapleton Well No. 1 will spread  
13 the contamination by encouraging a nitrate/RDX plume to  
14 migrate towards Mapleton Well No. 1," close quote. It  
15 is beyond comprehension as to how the state could allow  
16 EBCo to do that which EBCo's own experts were telling  
17 them they should not do. For years now, the Mapleton  
18 Well No. 1 has been pumped on a full-time basis and, in  
19 fact, the pumping may actually be drawing the  
20 contaminate plume further north. How could this  
21 happen? The state tells us how it happened in the  
22 addendum to the stipulation and consent order, which is  
23 part of the agreement, by acknowledging that quote:  
24 "This approval is based primarily on information  
25 provided by EBCo," close quote. That, in the city's

*See the response to the Mapleton City  
correspondence, Letter No. 04-37 in Part  
III of the Comment Response Summary.*



1 opinion, is the heart of the problem. The fox has not  
2 only been guarding the chicken coop, he's telling the  
3 farmer which chicken stays which chicken goes and so  
4 forth.

5 Fourth, the state has failed to expedite the cleanup  
6 process at the EBCo site, so we now have a situation  
7 where the EBCo site is saturated with contaminants and  
8 they continue to leach into the aquifer every time it  
9 snows and every time it rains and the city asks: Why  
10 hasn't the state sought to expedite the remediation and  
11 cleanup of the aquifer all along?

12 The agreement does not even require any of the  
13 entities in the EBCo group to admit to liability for  
14 contaminating the Mapleton aquifer, which is a little  
15 odd in the city's thinking, even though everyone and  
16 their brother and EBCo has admitted in court documents  
17 that they are the source of the chemical contamination,  
18 so the question is: Why not have them admit the  
19 liability?

20 Finally, the monetary provisions for the proposed  
21 agreement are mind-boggling in their paucity. Proposed  
22 fines for noncompliance are \$250 a day, penalties of  
23 \$500 a day. Has the state required EBCo to provide them  
24 with the amount of money they have made, to tell them  
25 how much money they make off of the backs of Mapleton's

*Point #4, the cleanup process for the EBCo site is ongoing under a separate regulatory program administered by the Division of Solid and Hazardous Waste. See also Response to Common Comment No. 14.*

*For the off-site cleanup of the aquifer, remediation commenced in 1998 under the approved Interim Work Plan; this was intended to start the remediation process prior to approving the full Corrective Action Plan; this has resulted in 6 years of early remediation efforts of the aquifer. During 2006, EBCo has treated or removed contaminated soils and removed buildings, as part of the site cleanup.*

*Point # 5, see Response to Common Comment No. 1.*

1 citizens' health? The EBCo group could pay fines of  
2 \$250 a day or \$500 a day out of their lawyers' pocket  
3 money. They really could. How about fines of \$25,000 a  
4 day or penalties of \$50,000 per penalty.

5 With regard to the \$9,375,000 that the state and  
6 EBCo say will be paid by EBCo to complete the work under  
7 the CAP, the question should be asked: Who else should  
8 have to pay? The city's position is that the state  
9 seems to say that's a positive thing. Well, EBCo made  
10 the mess. EBCo should pay to clean up the mess as far  
11 as they can clean it up. The state and EBCo appear to  
12 estimate a 20-year clean-up period. Is there any  
13 evidence that indicates a toxic underground plume like  
14 Mapleton's has ever successfully been cleaned up within  
15 a 20-year period? To the city's knowledge, it's never  
16 happened in a 50-year period or 100-year period, so  
17 we're curious about the 20-year estimate. Again, the  
18 20-year estimate is probably information, quote,  
19 "primarily provided by EBCo," close quote.

20 Finally, the state and EBCo agree that EBCo will put  
21 \$2,580,000 in a trust fund to be used only for projects  
22 to remediate the Mapleton aquifer and/or for projects  
23 related to the aquifer. However, there's a three-year  
24 clause that says unless EBCo agrees to any proposed  
25 project within the first three years, that the project

*In addition to EBCo, other past owners/operators of the Trojan facility are paying for the cleanup.*

*See Response to Common Comment No. 3.*

*See Response to Common Comment No. 5.*

1 cannot even be considered by the state. It is the  
2 city's position that the three-year clause is a punitive  
3 position, directed toward the city, required by EBCo and  
4 agreed to by the state. EBCo discussed this exact same  
5 settlement with the city months ago, and when the city  
6 would not agree to it and end the litigation, counsel  
7 for EBCo told the city's counsel that EBCo would do all  
8 that it could to prevent the city from using the money  
9 held in trust by the state. Not only is the fox  
10 guarding the chicken coop but it appears he's taken over  
11 the farm.

12 The city proposes that the public comment period be  
13 extended indefinitely until the questions raised in this  
14 response, as well as other technical and procedural  
15 questions relating to the CAP, can be addressed  
16 thoroughly and the citizens of Mapleton can be assured  
17 that all that can be done, has been done. While the  
18 state has repeatedly told the city it has no legal  
19 obligation to protect the rights of the citizens of  
20 Mapleton from polluters, the city of Mapleton would hope  
21 that the state, that is a group of Utah citizens, would  
22 feel a moral obligation to do the best that can be done  
23 to clean the aquifer and hold those who contaminated it  
24 to the highest standards in cleaning it up, regardless  
25 of the cost. Up to this point, the city has not seen

*See Response to Common  
Comment No. 2*

*Adequate time has been allowed  
for comment. Decisions on  
remediation and payment of  
damage claims should not be  
deferred indefinitely. The Trustee  
has worked with Mapleton City  
and Ensign-Bickford to facilitate  
better communication and  
resolution of issues.*

1 that kind of conduct from the state and they expect none  
2 from EBCo.

3 That's the conclusion of our prepared statement.  
4 Let me submit it to you with the attachments. We would  
5 like to also submit some technical analysis, that's why  
6 we're requesting that it be held open for an indefinite  
7 period of time. The city has retained various experts,  
8 groundwater modeling experts, biochemists, toxicology,  
9 that are involved in litigation that we're in. We think  
10 there's information that might be helpful to the state,  
11 but we need time to develop it and give it to you in a  
12 way that may be more useful to you. Okay?

13 Thank you.

14 DIANNE NIELSON: Thank you very much for the  
15 comment.

16 --oo0oo--

17 SANDRA TAYLOR: I'm Sandra Taylor. I grew up in  
18 Mapleton on the south bench, so I grew up by Dave  
19 Nemelka. It's time someone dug in and said there are  
20 more problems than cancer here. We have lupus, we have  
21 MS, we have degenerative disc disease, we have thyroid  
22 diseases. We have -- there's just numerous problems  
23 going on. I started -- I got lupus and I believe it's  
24 from the Trojan. I grew up in the canals, I grew up in  
25 the ponds on that side. We spent our summers in the

*See Response to Common Comment  
No. 4.*

1 ponds. The well my family drilled was contaminated.  
2 Charlie Bates, I used to play at their house. All I  
3 drank was water. I wasn't a soda drinker growing up, so  
4 it was supposed to be healthy water. My mother and I  
5 ate out of the garden.  
6 I have lupus, I have degenerative disc disease, I  
7 have seizures and I have been -- I had two CT scans, the  
8 last scan was for strokes. I have rapid heartbeat, I  
9 have all these things, there are so many things, and I  
10 started looking around, and within a mile radius of my  
11 home, I couldn't find one home that didn't have a kid my  
12 age that isn't going through the same symptoms or  
13 similar symptoms or something similar, like autoimmune  
14 disease. My twin sister has autoimmune disease. My  
15 little brother is dealing with health issues. It's  
16 everywhere. It's not fair to us. It's not fair to  
17 pretend it's not there, that it didn't happen. There's  
18 too many of us to claim that the only thing that it did  
19 was cause cancer. It's not true. It's a lie. It's  
20 time that this community stick up for ourselves, stick  
21 up for our children. I want to leave. I don't want to  
22 stay and contaminate my kids. This is bull. Somebody  
23 needs to be responsible and take care of it and clean it  
24 up so our kids can live here, so our families can grow  
25 up, so their kids don't have to grow up like my six year

*Thank you for providing your information on health conditions. We're sorry to hear how difficult it has been for you and your family. This information will be provided to the Utah County Health Department and the Utah Department of Health in conjunction with their health studies.*

1 old has grown up knowing a sick mom. It's not fair to  
2 them. It's not fair to the other kids being raised.  
3 I have two friends that have cancer that are my  
4 age. One with MS that I know of. There's so many.  
5 It's time. It's time they took care of it and quit  
6 pretending it's not there, that it's not as bad as it  
7 is. Deal with my health every day of your life. I'd  
8 like my health back. They took my life away. I want it  
9 back. It's about time. If I can do something to  
10 prevent this happening to others, it's time, that's what  
11 I want. That's my life.

12 DIANNE NIELSEN: Thank you.

13 --oo0oo--

14 MIKE COBIA: Okay, my name is Mike Cobia. I live at  
15 325 North 300 West in Mapleton. The first thing I would  
16 like to address is the settlement amount for the damages  
17 to the 4,100 acre feet of water in the Mapleton  
18 aquifer. It's my position that the calculations used to  
19 determine the value of that water are misguided in that,  
20 first, there's no provision for future value of water.  
21 The value is based on the value of the water today. We  
22 have no idea what drought, or even an extremely wet  
23 year, will do to the contamination levels or to  
24 availability of future water.

25 The second problem I have with the settlement, and

*See Response to Common Comment No.  
6.*

1 I'm still just talking about 4,100 acre feet, is that I  
2 understand if it goes outside of the boundaries of the  
3 guidelines of the 4,100 acre feet, they can open it back  
4 up to go for more, but I think the specific language of  
5 that contract is weak and that it's unlikely that that  
6 would ever happen, because the language and the clean-up  
7 plan that they have in place, it would be easy to argue  
8 that what we're doing doesn't need to be expanded, and  
9 even though the plume is expanding, we can still manage  
10 it and doing anything else isn't going to do any good.

11 The third problem that I have is that the cleaning  
12 up of non-organics has been totally ignored as far as  
13 the cost of clean up and the cost of damage is  
14 concerned. Granted they're removing the organics to  
15 levels that they can't detect, but that by no means  
16 means the water is safe, and even though the EPA says  
17 this is safe drinking, safe is a term that is used as a  
18 description of an amount of contamination. That level  
19 can go up and down as technology increases and its  
20 ability to monitor people over the years and what  
21 diseases those levels caused. There may be a point  
22 where RDX is considered unsafe at any level.

23 As far as the nine million and some odd dollars is  
24 concerned for the endowment, I think that that is  
25 probably adequate, but looking through the documentation

*See Response to Common Comment No.  
7.*

*See Responses to Common Comment No.  
4 and 12.*

1 in the plan, I've forgotten what it's called over here,  
2 the big, fat, thick book, there's one aspect in there  
3 that I think was overlooked, and that is that  
4 technically speaking this media is considered an extreme  
5 hazardous waste and has to be deposited of at a certain  
6 period of time and it actually can become explosive and  
7 dangerous if the contamination level in the media  
8 reaches a certain level, and I didn't see anything in  
9 the plan that would mitigate costs for that aspect if  
10 that were to occur or if an explosion were to occur, or  
11 if Ensign-Bickford were to go out of business, you have  
12 the cost of getting rid of this media and all of a  
13 sudden Mapleton City has a 10-million-dollar hazardous  
14 waste container in its building to get rid of, so I'm  
15 not sure that nine million is enough. I don't know how  
16 much is enough.

17 I have a lot more complaints but those are the only  
18 things that are within your scope, so I won't bother you  
19 with anything else.

20 DIANNE NIELSON: Okay.

21 MIKE COBIA: Thank you.

22 DIANNE NIELSON: Thank you. If there are other  
23 comments, feel free to let me know.

24 MIKE COBIA: Okay.

25 --oo0oo--

*The media from the water treatment  
GAC facilities is not explosive.*

*Requirements for financial assurance for  
on-site hazardous waste treatment and  
storage is covered by the rules of the  
Utah Solid and Hazardous Waste Board  
and federal law.*

*See Response to Common Comment No.  
8.*



1       LORI ALLEN: Lori Allen, resident. I also sit on the  
2 city counsel, so with that said, in all due respect, and  
3 I don't know how else to say it, I think in the flyer --  
4 this is what I'd like to say is that in the flyer it was  
5 indicated to all the citizens who received this at their  
6 homes that there was over a 12-million-dollar  
7 settlement. I think to me personally that was somewhat  
8 misleading, because they saw, oh, a 12-million-dollar  
9 settlement. Where well over the majority of it we won't  
10 see, and that's not something Mapleton is going to  
11 benefit from. I was assured if it would take more than  
12 20 years, we'd put more money in. It's not an immediate  
13 resolution, so the 9.5 million is on something that to  
14 me has never been proven to work and something I think  
15 the citizens don't understand, that's not money that's  
16 going to the city.

17       The 2.5 million, I don't think the citizens were  
18 ever really explained in terms that Grandpa Jones down  
19 the street would understand, that that's held in limbo  
20 and is under the state's direction and that is not money  
21 that comes to the City of Mapleton, so that's the  
22 statement that I wished it would have been clearly  
23 stated to the citizens what that money really is applied  
24 to. I do understand that it was mentioned that it was  
25 for the clean-up process, but I worry that there's false

*See Responses to Common Comment No.  
2 and 9.*

1 hope it will actually get cleaned. We had citizens even  
2 as late as yesterday who don't even want to water their  
3 lawns with the water coming out of Mapleton. So that's  
4 my statement. I wish we could relate things on their  
5 and our level so that we understand that 12 million  
6 isn't something that's really coming to the city.

7 Thank you.

8 DIANNE NIELSON: Thank you.

9 --oo0oo--

10 GRACE HUFFAKER: I'll have you know that I haven't  
11 thoroughly analyzed and read all of that. I scanned  
12 through it. My name is Grace Huffaker and I have been a  
13 resident of Mapleton. I've owned my lot since 1980 but  
14 I built our home in 1989. We live on the corner of 900  
15 South, 99 East 900 South, and when we moved here from  
16 Tucson in '89, after a few months of just being here, I  
17 just saw one major health problem after another, every  
18 house, one major health problem after another, lupus,  
19 cancer, brain tumor, just you name it.

20 Do you know I called the county health department  
21 and I told them there's something wrong out here in  
22 Mapleton. Is somebody going to come out here and test  
23 the water, test the air, because every home in this  
24 southeast part of Mapleton, somebody's either got a  
25 brain tumor, cancer, leukemia, children are being born

*See Response to Common Comment  
No. 4.*

1 mentally and physically handicapped, and the comment  
2 that I had from the gentleman that was supposed to have  
3 been the head guy there, I don't know his name  
4 unfortunately, he said: "Oh, it's just your  
5 imagination. There's nothing wrong there. We test the  
6 water. There's nothing wrong there." And I said:  
7 "Well, why does every single house have someone in it  
8 with cancer or something major?" And he said: "I don't  
9 know." I said: "You need to come out here and do a  
10 door-to-door survey talking to people whether they've  
11 had someone die of any of these major things." They  
12 didn't do that. They never came to our door. A lot of  
13 my friends, nobody came to them. And it was just  
14 something that got brushed under the carpet.

15 To me this settlement is a pittance of what it needs  
16 to be. I don't even trust the water here. I don't  
17 think it's safe. I don't trust Trojan. I don't think  
18 they should be in business anymore. Not only have they  
19 destroyed our little community with safety and water but  
20 that plant could blow up at any time and who knows what  
21 would happen to homes that are nearby there. That's  
22 something else I'd like to check into for public  
23 safety.

24 I have a friend that is a fellow, I'm a realtor, who  
25 worked at Trojan in ammunition and he quit because of

*Comment noted.*

1 the unsafe practices that went on in there. In his mind  
2 that place was an accident waiting to happen.

3 I would like to have some feedback as to whether or  
4 not who was testing the water, who was testing Trojan  
5 and who was testing our water, I'd like to know that  
6 over the last 20 years.

7 Can you answer back?

8 DIANNE NIELSON: Let me clarify, I'm on the record  
9 right now. We're trying to capture comments. I don't  
10 have an answer to that question for you, but there are  
11 people who could answer it.

12 GRACE HUFFAKER: I'll go from place to place.

13 DIANNE NIELSON: I'll find who can talk directly to  
14 you.

15 GRACE HUFFAKER: Are you going to hold a public  
16 meeting where we can all be in one room and have  
17 feedback all at one time or is this the only meeting  
18 that we are going to have?

19 DIANNE NIELSON: I'm going to consider the comments  
20 after tonight, which include the request for another  
21 meeting in a different forum and evaluate it.

22 GRACE HUFFAKER: I would appreciate it. I think the  
23 citizens in this community all should gather together  
24 and hear other stories. I have spent an hour typing up  
25 every friend I have that's died here of brain tumors,

*The CAP describes historical testing results. The results of recent testing are available from the Division of Water Quality. Ensign-Bickford also provides an annual report of water treatment and groundwater cleanup information to the Division of Water Quality. A copy of that report will also be provided to Mapleton City.*

1 leukemia. We are burying Marilyn Peterson tomorrow.  
2 Just one of every home along that one street, 1000  
3 East -- and your map here is not accurate. Your map is  
4 showing -- I'm looking at it upside down. It's not even  
5 including 1000 East and 1600 South, the area that had so  
6 many deaths, so I feel like Nemelkas, Bates, Haines, all  
7 of them are outside of the area here, and they've all  
8 been dying of lymphoma, so I really would like more  
9 information on the tests and who's testing, because it  
10 was my understanding Trojan was testing its own water.  
11 Nobody was checking on them for safety on what they were  
12 doing.

13 I would also like to know if the state has  
14 investigated Trojan, talked to former employees, etc.,  
15 as to what went on there. I am totally against any kind  
16 of a settlement here. I think that there is still a  
17 major problem in Mapleton.

18 As a real estate agent, it's affected values. My  
19 life's savings is in my home. I think value has been  
20 affected by the news and media and with Mapleton's water  
21 unsafe, and that puts a block on the city. I feel the  
22 state would do us all injustice to settle. There's so  
23 many deaths. And how many more people are going to  
24 die? So that's where I'm at. No settlement right now.  
25 Much more studies should be done. Okay.

*See Response to Common Comment No.  
4.*

*See Response to Common Comment No.  
2.*

1 DIANNE NIELSON: Thank you.  
2 --oo0oo--  
3 ILENE BOYD: My name is Ilene Boyd. I'm concerned  
4 that there isn't enough money that's coming to Mapleton  
5 for this, and I think there hasn't been enough  
6 studying. I don't feel like it's complete enough. I'd  
7 like more time, more money put into it and more money to  
8 go to the citizens of Mapleton. I don't feel like the  
9 12 million dollars is enough. How it ends up is 2.5 is  
10 what I understood. I don't think that's enough.  
11 DIANNE NIELSON: Thank you.  
12 (Public comments adjourned at 8:00 p.m.)  
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*See Responses to Common Comment No.  
2, 6, and 9.*

STATE OF UTAH )

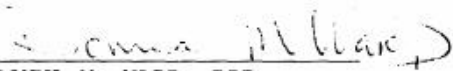
COUNTY OF UTAH )

I, DONNA M. WARD, Certified Shorthand Reporter,  
Registered Professional Reporter, and Notary Public  
within and for the County of Utah, State of Utah do  
hereby certify:

That the foregoing proceedings were held at the time  
and place set forth herein, and was taken down by me in  
shorthand and thereafter transcribed into typewriting  
under my direction and supervision.

That the foregoing pages contain a true and correct  
transcription of my said shorthand notes so taken.

In Witness Whereof, I have subscribed my name this  
2nd day of September, 2004.

  
DONNA M. WARD, RPR  
Certified Shorthand Reporter  
Registered Professional Reporter  
and Notary Public in and for  
the County of Utah, State of Utah.

